CITY OF BRAZIL, INDIANA

ORDINANCE 2-2007

AN ORDINANCE AMENDING CHAPTER 50 (TITLE V) OF THE BRAZIL CODE OF ORDINANCE RELATING TO CHARGES, POLICIES, AND PROCEDURES OF THE CITY OF BRAZIL PUBLIC SEWER SYSTEM

CHAPTER 50: SEWER SYSTEM

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General Provisions

§ 50.01. Purpose and Policy

This ordinance sets forth uniform requirements for users of the Publicly Owned Treatment Works for the City of Brazil and enables the City to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code § 1251 *et seq.*) and the General Pretreatment Regulations (40 Code of Federal Regulations Part 403). The objectives of this ordinance are:

- 01.1. To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will interfere with its operation;
- 01.2. To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will pass through the Publicly Owned Treatment Works, inadequately treated, into receiving waters or otherwise be incompatible with the Publicly Owned Treatment Works;
- 01.3. To protect both Publicly Owned Treatment Works personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
- 01.4. To promote reuse and recycling of industrial wastewater and sludge from the Publicly Owned Treatment Works;
- 01.5. To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the Publicly Owned Treatment Works; and
- 01.6. To enable the City to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the Publicly Owned Treatment Works is subject.

This ordinance shall apply to all users of the Publicly Owned Treatment Works. The ordinance provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

§ 50.02. Administration

Except as otherwise provided herein, the Superintendent shall administer, implement, and enforce the provisions of this ordinance. Any powers granted to or duties imposed upon the Superintendent may be delegated by the Superintendent to other City personnel.

§ 50.03. Abbreviations

The following abbreviations, when used in this ordinance, shall have the designated meanings:

- BOD Biochemical Oxygen Demand
- CFR Code of Federal Regulations
- COD Chemical Oxygen Demand
- EPA U.S. Environmental Protection Agency
- ERG Enforcement Response Guide
- L Liter
- mg Milligrams
- gpd gallons per day
- mg/l milligrams per liter
- NPDES National Pollutant Discharge Elimination System
- POTW Publicly Owned Treatment Works

- RCRA Resource Conservation and Recovery Act
- SIC Standard Industrial Classification
- TSS Total Suspended Solids
- U.S.C. United States Code

§ 50.04. Definitions

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this ordinance, shall have the meanings hereinafter designated.

- 04.1. Act or "the Act." The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. §1251 et seq.
- 04.2. <u>Approval Authority</u>. The Approval Authority shall mean the State of Indiana or Regional Administrator of the US EPA, Region 5.
- 04.3. <u>Authorized Representative of the Industrial User.</u>
 - 04.3.1. If the industrial user is a corporation, authorized representative shall mean:
 - (1) the president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation;
 - the manager of one or more manufacturing, production, or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million, if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;
 - 04.3.2. If the industrial user is a partnership, or sole proprietorship, an authorized representative shall mean a general partner or proprietor, respectively;
 - 04.3.3. If the industrial user is a Federal, State or local governmental facility, an authorized representative shall mean a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or his/her designee;
 - 04.3.4. The individuals described in paragraphs 1-3 above may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the Superintendent.
- 04.4. <u>Biochemical Oxygen Demand or BOD.</u> The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20° centigrade, usually expressed as a concentration (e.g., mg/l).
- 04.5. Board of Public Works and Safety. The administrative governing body of the public utilities of the City.
- 04.6. <u>Building Drain or House Drain.</u> The part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of a building and conveys it to the building sewer beginning four feet outside the building wall.
- 04.7. Building Drain, Sanitary. A building drain which conveys sanitary or industrial sewage only.
- 04.8. <u>Building Drain, Storm.</u> A building drain which conveys storm water or other clearwater drainage, but no wastewater.

- 04.9. <u>Building Sewer.</u> The extension from the building drain to the public sewer main or other place of disposal (also called "house connection).
- 04.10. Building Sewer, Sanitary. A building sewer which conveys sanitary or industrial sewage only.
- 04.11. <u>Building Drain, Storm.</u> A building sewer which conveys storm water or other clearwater drainage, but no wastewater.
- 04.12. <u>Categorical Pretreatment Standard or Categorical Standard.</u> Any regulation containing pollutant discharge limits promulgated by the US EPA in accordance with Sections 307 (b) and (c) of the Act (33 U.S.C. 1317) which apply to a specific category of industrial users and which appear in 40 CFR Chapter I., Subchapter N, Parts 405-471.
- 04.13. City. The City of Brazil or the City Council of Brazil.
- 04.14. Combined Sewer. A sewer intended to receive both wastewater and storm or surface water.
- 04.15. Compatible Pollutant. Biochemical oxygen demand, suspended solids, pH, and fecal coliform bacteria, plus additional pollutants identified in the NPDES Permit if the treatment works was designed to treat such pollutants, and in fact does remove such pollutants to a substantial degree. The term "Substantial Degree" is not subject to precise definition, but generally contemplates removals in the order of 80% or greater. Minor incidental removals in the order of 10% to 30% are not considered substantial. Examples of the additional pollutants which may be considered compatible include chemical oxygen demand, total organic carbon, phosphorus and phosphorus compounds, nitrogen and nitrogen compounds, and fats, oils and greases of animal or vegetable origin (except as prohibited where these materials would interfere with the operation of the treatment works).
- 04.16. <u>Composite Sample.</u> The sample resulting from the combination of individual wastewater samples taken at selected intervals based on an increment of either flow or time.
- 04.17. Easement. An acquired legal right for the specific use of land owned by another.
- 04.18. <u>Environmental Protection Agency or EPA.</u> The US Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, or other duly authorized official of said agency.
- 04.19. <u>Fecal Coliform.</u> Any of a number of organisms common to the intestinal tract of man and animals, whose presence in sanitary sewage is an indicator of pollution.
- 04.20. <u>Floatable Oil.</u> Oil, fat, or grease in a physical state, such that will separate by gravity from wastewater by treatment in a pretreatment facility approved by the city.
- 04.21. <u>FOG Fats, Oil and Grease.</u> Any substance such as a vegetable or animal product that is used in, or is a by-product of, the cooking or food preparation process, and that turns or may turn viscous or solidifies or may solidify with a change in temperature or due to other conditions.
- 04.22. <u>Garbage</u>. Solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage and sale of produce.
- 04.23. <u>Grab Sample.</u> A sample which is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen minutes.
- 04.24. <u>Incompatible Pollutant</u>. Any pollutant that is not defined as a compatible pollutant, including non-biodegradable dissolved solids.

- 04.25. <u>Industrial Wastes.</u> The liquid wastes from industrial manufacturing processes, or business as distinct from sanitary sewage.
- 04.26. <u>Infiltration</u>. The water entering a sewer system, including building drains and sewers, from the ground, through such means as, but not limited to, defective pipes, pipe joints, connections, or manhole walls. Infiltration does not include and is distinguished from inflow.
- 04.27. <u>Inflow.</u> The water discharge into a sewer system, including building drains and sewers, from such sources as, but not limited to, roof leaders, clear yards and area drains, foundation drains, unpolluted cooling water discharge, drains from springs and swamp areas, manhole covers, cross connections from storm sewers, and combined sewers, catch basins, storm waters, surface run-off, street wash waters or drainage. Inflow does not include, and is distinguished from, infiltration.
- 04.28. <u>Inflow/Infiltration</u>. The total quantity of water from both infiltration and inflow without distinguishing the source.
- 04.29. <u>Inspector</u>. The person or persons duly authorized by the city, through its Common Council, to inspect and approve the installation of building sewers and their connection to the public sewer system.
- 04.30. <u>Instantaneous Maximum Allowable Discharge Limit.</u> The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.
- 04.31. <u>Interference</u>. A discharge, that, alone or in conjunction with a discharge or discharges from other sources, does one (1) of the following:
 - 04.31.1. Inhibits or disrupts the POTW, its treatment processes or operations, its sludge processes, or its selected sludge use or disposal methods.
 - 04.31.2. Causes a violation of any requirement of the POTW's NPDES permit, including an increase in the magnitude or duration of a violation.
 - 04.31.3. Prevents the use of the POTW's sewage sludge or its sludge disposal method selected in compliance with the following statutory provisions, regulations, or permits issued thereunder or more stringent state or local regulations:
 - (1) Section 405 of the Clean Water Act (33 U.S.C. 1345)
 - (2) The Solid Waste Disposal Act (SWDA) (42 U.S.C. 6901), including:
 - (A) Title 11, more commonly referred to as the Resource Conservation and Recovery Act (RCRA); and
 - (B) The rules contained in any sate sludge management plan prepared pursuant to Subtitle D of the SWDA (42 U.S.C. 6941).
 - (3) The Clean Air act (42 U.S.C. 7401).
 - (4) The Toxic Substances Control Act (15 U.S.C. 2601).
- 04.32. <u>Maximum Allowable Discharge Limit.</u> The maximum concentration (or loading) of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.
- 04.33. <u>Medical Waste.</u> Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.
- 04.34. <u>Natural Outlet.</u> Any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake, or other body of surface or ground water.

- 04.35. Normal Domestic Sewage. This shall have the same meaning as defined in and shall not exceed the limits set forth in the most recent Sewage Rate Ordinance, which is available for public inspection at the office of the City Clerk-Treasurer.
- 04.36. <u>Noncontact Cooling Water</u>. Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.
- 04.37. NPDES Permit. A permit issued under the National Pollutant Discharge Elimination System for discharge of wastewaters to the navigable waters of the United States pursuant to (I.C.) § 4023 PL 92-500 (33 USC 1251 et seg.).
- 04.38. Pass Through. A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the City's NPDES permit, including an increase in the magnitude or duration of a violation.
- 04.39. <u>Person.</u> Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all Federal, State, and local governmental entities.
- 04.40. pH. A measure of the acidity or alkalinity of a solution, expressed in standard units.
- 04.41. <u>Pollutant.</u> Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).
- 04.42. <u>Pretreatment</u>. The treatment of industrial sewage from privately owned industrial sources prior to introduction in a public treatment works.
- 04.43. <u>Prohibited Discharge Standards or Prohibited Discharges.</u> Absolute prohibitions against the discharge of certain substances; these prohibitions appear in § 51.05 (Prohibited Discharge Standards) of this ordinance.
- 04.44. Publicly Owned Treatment Works or POTW. A "treatment works," as defined by Section 212 of the Act (33 U.S.C. § 1292) which is owned by the City. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant.
- 04.45. <u>Pumping Station.</u> A station positioned in the public sewer system at which wastewater is pumped to a higher level.
- 04.46. Private Sewer. A sewer which is not owned by a public authority.
- 04.47. <u>Properly Shredded Garbage</u>. The wastes from the preparation, cooking and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.
- 04.48. <u>Sanitary Sewer or Sanitary Sewer Main.</u> A sewer which carries sanitary and/or industrial wastes, and to which storm, surface, and ground water are not intentionally admitted.
- 04.49. <u>Septic Tank Waste.</u> Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

- 04.50. <u>Sewage.</u> The combination of the liquid and water carried wastes from residences, commercial buildings, industrial plants and institutions (including polluted cooling water). The three most common types of sewage are:
 - <u>Sanitary Sewage</u>. The combination of liquid and water carried wastes discharged from toilet and other sanitary plumbing facilities.
 - <u>Industrial Sewage</u>. A combination of liquid and water carried wastes, discharged from any industrial establishment, and resulting from any trade or process carried on in that establishment (this shall include the wastes from pretreatment facilities and polluted cooling water).
 - <u>Combined Sewage.</u> Wastes including sanitary sewage, industrial sewage, storm water, infiltration and inflow carried to the wastewater treatment facilities by a combined sewer.
- 04.51. Significant Industrial User. Shall apply to:
 - 04.51.1. industrial users subject to categorical pretreatment standards;
 - 04.51.2. any other industrial user that:
 - (1) discharges an average of 25,000 gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blowdown wastewater),
 - (2) contributes a process waste stream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the treatment plant or,
 - is designated as significant by the City on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.
 - 04.51.3. Upon finding that a user meeting the criteria in § 50.05 (Prohibited Discharge Standards) of this ordinance has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the City may at any time, on its own initiative or in response to a petition received from a user, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such user should not be considered a significant industrial user.
- 04.52. <u>Slug Load or Slug.</u> Any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in § 50.05 (Prohibited Discharge Standards) of this ordinance.
- 04.53. Storm Water. Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.
- 04.54. <u>Strength-of-Wastes Surcharge</u>. The extra charges for sewerage service assessed users whose sewage is of such a nature that it imposes upon the Sewage Works a burden greater than that covered by the basic user charge.
- 04.55. <u>Superintendent</u>. The Superintendent/Manager of the Municipal Sewage Works of the City or his/her authorized deputy, agent or representative.
- 04.56. Surcharges. A charge for sewerage services in addition to the basic user and debt service charges.
- 04.57. <u>Suspended Solids.</u> The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering.
- 04.58. Total Solids. The sum of suspended and dissolved solids.

- 04.59. <u>Toxic Amount.</u> Concentration of any pollutant or combination of pollutants, which upon exposure to or assimilation into any physiological manifestation, as defied in standards issued pursuant to (I.C.) § 307(a) of PL 92-500 (33 USC 1251 et seq.).
- 04.60. <u>Unpolluted Water</u>. Water of quality equal to or better than the effluent criteria in effect, or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.
- 04.61. User or Industrial User. A source of indirect discharge.
- 04.62. <u>Volatile Organic Matter</u>. The material in the sewage solids transformed to gases or vapors when heated at 550°C for 15 to 20 minutes.
- 04.63. <u>Wastewater</u>. Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.
- 04.64. <u>Wastewater Treatment Plant or Treatment Plant.</u> That portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.
- 04.65. Watercourse. A natural or artificial channel for the passage of water either continuously or intermittently.
- 04.66. <u>Waters of the State</u>. Any water, surface, or underground, within the boundaries of the State of Indiana, except confined waters in sewers and tanks.
- 04.67. <u>Welled Customer.</u> Any customer that receives his/her water supply from a privately owned well and is not a part of Brazil City Water System or any wholesale customer of the Brazil City Water System and utilizes the Brazil City public sanitary system.

General Sewer Use Requirements

§ 50.05. Prohibited Discharge Standards

- 05.1. <u>General Prohibitions.</u> No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all users of the POTW.
- 05.2. <u>Specific Prohibitions.</u> No user shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:
 - 05.2.1. Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140°F (60°C) using the test methods specified in 40 CFR 261.21;
 - 05.2.2. Wastewater having a pH less than 6.0 or more than 9.0, or otherwise causing corrosive structural damage to the POTW or equipment;
 - 05.2.3. Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, paper dishes, cups, milk containers, and the like, either whole or ground by garbage grinders.

- 05.2.4. Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW;
- 05.2.5. Wastewater having a temperature greater than 150°F (65 °C), or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104°F (40°C);
- 05.2.6. Any water or waste containing fats, wax, grease, petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, whether emulsified or not, in amounts that will cause interference or pass through or in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32 and 150°F (0 and 65°C). Processed vegetable and animal origin fats and oils that cannot solidify or become viscous at temperatures between 32 and 150°F (0 and 65°C) may be discharged in excess of 100 mg/l, but shall not exceed 300 mg/l.
- 05.2.7. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
- 05.2.8. Trucked or hauled pollutants, except at discharge points designated by the Superintendent in accordance with § 50.29 (Hauled Wastewater) of this ordinance;
- 05.2.9. Noxious or malodorous liquids, gases, solids, or other wastewater which, wither singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;
- 05.2.10. Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the City's NPDES permit;
- 05.2.11. Any waters or wastes containing strong acid pickling wastes, or concentrated plating solutions whether neutralized or not.
- 05.2.12. Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Superintendent for such materials.
- 05.2.13. Any water or wastes containing phenols or other waste or odor producing substances, in such concentrations exceeding limits which may be established by the Superintendent, as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal, or other public agencies of jurisdictions for such discharge to the receiving waters.
- 05.2.14. Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations;
- 05.2.15. Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted wastewater, unless specifically authorized by the Superintendent. The City shall require the removal of unpolluted water from any wastewater collection or treatment facility if such removal is cost-effective and is in the best interest of all users of those facilities;
- 05.2.16. Sludges, screenings, or other residues from the pretreatment of industrial wastes;
- 05.2.17. Medical wastes, except as specifically authorized by the Superintendent in a wastewater discharge permit;

- 05.2.18. Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test;
- 05.2.19. Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW;

Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW.

§ 50.06. National Categorical Pretreatment Standards

- 06.1. The categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471 are hereby incorporated.
 - 06.1.1. Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Superintendent may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c).
 - 06.1.2. When wastewater subject of a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the Superintendent shall impose an alternate limit using the combined wastestream formula in 40 CFR 403.6(e).
 - 06.1.3. A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.
 - 06.1.4. A user may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15.

§ 50.07. State Pretreatment Standards

07.1. State pretreatment standards located at 327 IAC 5-16 through 327 IAC 5-21 are hereby incorporated.

§ 50.08. Local Limits

- 08.1. The following pollutant limits are established to protect against pass through and interference. No person shall discharge wastewater containing in excess of the following instantaneous maximum allowable discharge limits:
 - 0.02 mg/l cadmium
 - 1.0 mg/l chromium (hexavalent)
 - 2.0 mg/l chromium (trivalent)
 - 3.0 mg/l chromium (total)
 - 1.0 mg/l cyanide
 - 0.1 mg/l lead
 - 1.0 mg/l nickel
 - 0.50 mg/l total phenols
 - 5.0 mg/l zinc

The above limits apply at the point where the wastewater is discharged to the POTW. All concentrations for metallic substances are for "total" metal unless indicated otherwise. The Superintendent may impose mass limitations in addition to, or in place of, the concentration-based limitations above.

§ 50.09. City's Right of Revision

The City reserves the right to establish more stringent standards or requirements on discharges to the POTW.

§ 50.10. Dilution

No user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement.

§ 50.11. Owner Responsibility to Install Suitable Toilet Facilities

- 11.1. The owner of all houses, buildings, or properties used for human occupancy, employment, recreation or other purposes, situated within the city and abutting on any street, alley, or right-of-way in which there is now located a public sanitary or combined sewer of the city, is hereby required at his or her expenses to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter, within 90 days after date of official notice to do so, provided said public sewer is within 300 feet of the property line.
- 11.2. The customer shall install and maintain in the City right-of-way, as close to the property line as practicable, a suitable cleanout to the lateral sewer

§ 50.12. Costs and Expenses; Indemnification

- 12.1. All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner.
- 12.2. The owner of any property connecting to the wastewater utility shall be responsible for the maintenance of building sewer from the sanitary sewer main to the structure being served and shall keep this line in good condition at their expense.
- 12.3. Property owner shall, at their expense, at all times keep all pipes, fixtures and appliances tight and in good working order.
- 12.4. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
- 12.5. For the use of and the service rendered by the sewage works, rates and charges shall be prepared, billed, and collected by the City in a manner provided by law and ordinance.
 - 12.5.1. The rates and charges may be billed to the tenant or tenants occupying the properties served, when requested in writing by the owner, but such billing shall in no way relieve the owner from the liability in the event payment is not made as herein required. The owners of properties served, which are occupied by a tenant or tenants, may have the right to examine the collection records of the City for the purpose of determining whether bills have been paid by such tenant or tenants, provided that such examination would be made at the office at which said records are kept and during the hours that such office is open for business.
 - 12.5.2. All rates and charges not paid when due are hereby declared to be delinquent and a penalty of ten percent (10%) of the amount of the rates or charges shall thereupon attach thereto.

§ 50.13. Connection to Public Sewers; Permit Required; Fees; Inspection

- 13.1. No owner or occupant of any real property shall tap or drain either directly or indirectly into any public sewer until a sewer tap permit has been obtained from the City of Brazil and until he/her has satisfied his/her obligation to pay all assessments, reimbursements, or pro rata shares of sewer extensions cost levied against the property for public sewers installed to serve it. The application for such permit shall be made on a form furnished by the City, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the Superintendent. A tap permit given in error or sewerage service charges billed to a property in error shall not operate to nullify any such obligation that has been duly recorded.
- 13.2. Sewer tap permit fees shall be as follows:
 - 13.2.1. Permit fee for developments for multiple single family home sites shall be \$1.25 per linear foot of pipe to cover the cost of reviewing construction drawings, issuing the permit, and conducting periodic inspections of the construction.
 - 13.2.2. Permit fee for site development to connect to mainline sewer to a building or single family dwelling shall be as follows:

Water Meter Size	Tap Fee
³ / ₄ inch or less	\$600
1 inch	\$800
1 ½ inch	\$1,000
2 inch	\$1,200
Larger	*

*The charge for a tap larger than the two (2) inch meter shall be the cost of labor, materials, power machinery, transportation and overhead cost for installing the tap, but shall not be less than the charge for a two (2) inch meter tap. Any customer that receives his/her water supply from a privately owned well and is not a part of Brazil City Water System or any wholesale customer of the Brazil City Water System and utilizes the Brazil City public sanitary system shall be hereinafter referred to as **welled customer**. Residential welled customers shall pay the tap fee equal to that of ¾ inch water meter or \$600. Any commercial welled customer tap fee will be charged based on multiple equivalent dwelling units based on Table 11-1 of the Indiana Administrative Code 327 IAC 3-6-11. One equivalent dwelling unit equals 300 gallons per day for purposes of this ordinance. Indiana Administrative Code 327 IAC 3-6-11 is to be used to determine the estimated flow of wastewater based on gallons per day.

- 13.3. The Board of Public Works and Safety shall have the authority to require any owner of real property to disconnect from a building sewer which drains into a sanitary sewer any down spouts, yard drains, or other drains which carry the run off of natural precipitation. Property owners shall have 30 days after notice to comply with any such requirements. The Board of Public Works and Safety shall have the authority to authorize the owner of real property to connect a building sewer which drains into a sanitary sewer any down spouts, yard drains, or other drains which carry the run off of natural precipitation if the drains are proved to cause mosquito breeding ponds, structural damage, or jeopardizes the general health of the public on a regular basis for a fee established by the Board of Public Works and Safety. The Board of Public Works and Safety shall not authorize any tap permit which will cause excess flow, B.O.D., or suspended solid loading of the wastewater treatment plant, force mains, lift stations, or sewers.
- 13.4. Superintendent shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Superintendent when the work is ready for final inspection, before any underground portions are covered. The inspection shall be made within 48 hours of the receipt of notice by the Superintendent.

§ 50.14. Extension of Sewers Outside Corporate Limits

The installation, construction, or extension of sewers by the City outside the corporate limits of the City and the connection or extension of sewers into the City's sewerage system from, by, or for properties located outside such limits shall be prohibited, except on prior approval by the Common Council by duly enacted ordinance.

§ 50.15. Connections by Out-of-City Properties

Notwithstanding the provisions of §50.14 (Extension of Sewers Outside Corporate Limits), the Board of Public Works shall have the authority to permit a property located outside the corporate limits of the city to connect to an existing sewer which is part of the city's sewerage system, provided the property abuts, adjoins and is immediately contiguous to the street, alley, or easement in which such sewer is located and provided the property owner or occupant has complied with the conditions set out in §50.13 (Connection to Public Sewers; Permit Required; Fees; Inspection).

§ 50.16. Separate Building Sewer Required for Every Building

A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway. The building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

§ 50.17. Use of Old Building Sewers with New Buildings

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Superintendent, to meet all requirements of this chapter.

§ 50.18. Size, Slope and Alignment

The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the current Building and Plumbing Code or other applicable rules and regulations of the city.

§ 50.19. Elevation; Gravity Flow

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

§ 50.20. Privies, Septic Tanks, and Other Facilities

Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

§ 50.21. Connecting Building Sewer to Private System

Where a public sanitary or combined sewer is not available under the provisions of §50.11 (Owner Responsibility to Install Suitable Toilet Facilities) of this chapter, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this subchapter.

§ 50.22. Compliance with State Board of Health

The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the State Board of Health. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than 20,000 square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

§ 50.23. Connecting Private Sewage Disposal System to Public Sewer

At such time as a public sewer becomes available to a property served by a private sewage disposal system as provided in §51.11 (Owner Responsibility to Install Suitable Toilet Facilities), a direct connection shall be made to the public sewer in compliance with this chapter, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

§ 50.24. Maintenance of Private Sewage Disposal System

The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the city.

§ 50.25. Noninterference with Additional Requirements

No statement contained in this subchapter shall be construed to interfere with any additional requirements that may be imposed by the Health Officer.

Pretreatment of Wastewater

§ 50.26. Pretreatment Facilities

Users shall provide necessary wastewater treatment as required to comply with this ordinance and shall achieve compliance with all applicable pretreatment standards and requirements set out in this ordinance within the time limitations specified by the EPA, the State, or the Superintendent, whichever is more stringent. Any facilities required to pretreat wastewater to a level acceptable to the City shall be provided, operated, and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the City for review and shall be acceptable to the City before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an acceptable discharge to the City under the provisions of this ordinance.

§ 50.27. Pretreatment Measures

- 27.1. Whenever deemed necessary, the Superintendent may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this ordinance.
- 27.2. The Superintendent may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow.

- 27.3. Fats, oil, grease, and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users.
 - 27.3.1. All interception units shall be of type and capacity approved by the Superintendent and shall be so located to be easily accessible for cleaning and inspection.
 - 27.3.2. The owner shall be responsible for the proper removal and disposal, by appropriate means of the collected material removed from the fats, oil, grease, and sand interceptors and traps.
 - 27.3.3. The owner shall ensure the interceptors and traps are inspected when pumped to ensure that all fittings and fixtures inside the interceptors are in good condition and functioning properly. The depth of grease inside the tank shall be measured and recorded in a maintenance log during every inspection along with any deficiencies, and the identity of the inspector.
 - 27.3.4. The owner shall determine the frequency at which its fat, oils, grease, and sand interceptor(s) shall be pumped according to the following criteria:
 - (1) The interceptor shall be cleaned by a subsurface sewage disposal cleaner whenever twenty-five percent (25%) of the operating depth of the interceptor is occupied by fats, oils, grease, sand and settled solids, or a minimum of once every three (3) months, whichever is more frequent. Cleaning of interceptors shall include the complete removal of all contents, including floating materials, wastewater and settled sludge. Decanting back into the interceptor shall not be permitted. Interceptor cleaning shall include scraping excessive solids form the wall, floors, baffles and all piping.
 - (2) If the owner can provide data to the Superintendent demonstrating that less frequent cleaning of interceptor will not result in a grease level in excess of twenty-five percent (25%) of the operating depth of the interceptor, the Superintendent may allow less frequent cleaning. The owner shall provide data including pumping receipts for four (4) consecutive cleanings of the interceptor, complete with a report from the grease trap/interceptor cleaner indicating the grease level at each cleaning, and the interceptor maintenance log.
 - (3) A maintenance log shall be maintained on the premises, and shall include the following information: date of all activities, volume pumped, grease depth, grease trap/interceptor cleaner's name, location of the waste disposal, means of disposal for all material removed from the interceptor and name of the individual recording the information. The maintenance log and grease trap/interceptor cleaner's receipts shall be made available to the Superintendent for inspection on demand. Interceptor cleaning and inspection records shall be maintained on file a minimum of five (5) years.
 - 27.3.5. Such interceptors shall be maintained continuously in satisfactory and effective operation by the user at their expense.
- 27.4. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

§ 50.28. Accidental Discharge/Slug Control Plan

- 28.1. At least once every two (2) years, the Superintendent shall evaluate whether each significant industrial user needs an accidental discharge/slug control plan. The Superintendent may require any user to develop, submit for approval, and implement such a plan. Alternatively, the Superintendent may develop such a plan for any user. An accidental discharge/slug control plan shall address, at a minimum, the following:
 - 28.1.1. Description of discharge practices, including nonroutine batch discharges;

- 28.1.2. Description of stored chemicals;
- 28.1.3. Procedures for immediately notifying the Superintendent of any accidental or slug discharge, as required by this Ordinance; and
- 28.1.4. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and /or measures and equipment for emergency response.

§ 50.29. Hauled Wastewater

- 29.1. Septic tank waste may be introduced into the POTW by state-permitted and licensed commercial waste haulers only at locations designated by the Superintendent, and at such times as are established by the Superintendent. Such waste shall not violate § 51.05 (Prohibited Discharges) of this ordinance or any other requirements established by the City. The Superintendent may require septic tank waste haulers to obtain wastewater discharge permits. The Superintendent may collect samples of each hauled load to ensure compliance with applicable standards.
- 29.2. Commercial and Industrial waste haulers may discharge loads only at locations designated by the Superintendent. No load may be discharged without prior consent of the Superintendent. The Superintendent may collect samples of each hauled load to ensure compliance with applicable standards. The Superintendent may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.
- 29.3. Wastewater, so received, must have been generated within Clay County or licensed commercial waste hauler must have place of business located within Clay County.
- 29.4. A Manifest of Destination shall be submitted with each septic, commercial, or industrial tank discharge.
- 29.5. Dumping fees, as established by the City shall be paid by the Generator of the waste or waste hauler at time of discharge to the sewer system or at a time designated by the Superintendent.

Reporting Requirements

§ 50.30. Reports of Potential Problems

- 30.1. In the case of any discharge, including, but no limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, or a slug load, that may cause potential problems for the POTW, the user shall immediately telephone and notify the Superintendent of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.
- 30.2. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees who to call in the event of a discharge. Employers shall ensure that all employees, who may cause such a discharge to occur, are advised of the emergency notification procedure.

Compliance Monitoring

§ 50.31. Right of Entry: Inspection and Sampling

The Superintendent shall have the right to enter the premises of any user to determine whether the user is complying with all requirements of this ordinance and any wastewater discharge permit or order issued

hereunder. Users shall allow the Superintendent ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

- 31.1. Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Superintendent will be permitted to enter without delay for the purposes of performing specific responsibilities.
- 31.2. The Superintendent shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.
- 31.3. The Superintendent may require the user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated once every year to ensure their accuracy.
- 31.4. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the Superintendent and shall not be replaced. The costs of clearing such access shall be born by the user.
- 31.5. Unreasonable delays in allowing the Superintendent access to the user's premises shall be a violation of this ordinance.

§ 50.32. Search Warrants

If the Superintendent has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the City designed to verify compliance with this ordinance or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the Superintendent may seek issuance of a search warrant from the Brazil City Court.

§ 50.33. Confidential Information

Information and data on a user obtained from reports, surveys, and from the Superintendent's inspection and sampling activities, shall be available to the public without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the Superintendent, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the user furnishing a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.

Administrative Enforcement Remedies

§ 50.34. Notification of Violation

When the Superintendent finds that a user has violated, or continues to violate, any provision of this ordinance or order issued hereunder, the Superintendent may serve upon that user a written Notice of Violation. The offender shall, within the period of time stated in such Notice, provide to the Superintendent an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt

of the Notice of Violation. Nothing in this section shall limit the authority of the Superintendent to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

§ 50.35. Compliance Orders

When the Superintendent finds that a user has violated, or continues to violate, any provision of this ordinance, or order issued hereunder, the Superintendent may issue an order to the user responsible for the discharge directing that the user come into compliance within a specified time. If the user does not come into compliance within the time provided, sewer service may be discontinued. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user.

§ 50.36. Cease and Desist Orders

When the Superintendent finds that a user has violated, or continues to violate any provision of this ordinance, or order issued hereunder, or that the user's past violations are likely to recur, the Superintendent may issue an order to the user directing it to cease and desist all such violations and directing the user to:

- 36.1. Immediately comply with all requirements; and
- 36.2. Take appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the user.

§ 50.37. Emergency Suspensions

The Superintendent may immediately suspend a user's discharge, after informal notice to the user, whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The Superintendent may also immediately suspend a user's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

37.1. Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the Superintendent may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Superintendent may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the Superintendent that the period of endangerment has passed.

Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

Judicial Enforcement Remedies

§ 50.38. Injunctive Relief

When the Superintendent finds that a user has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the Superintendent may petition the Clay County Court of Competent Jurisdiction through the City's Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this ordinance on activities of the user. The Superintendent may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user.

§ 50.39. Penalties

- 39.1. A user who has violated, or continues to violate, any provision of this ordinance, or order issued hereunder, or any other requirement shall be liable to the City for a fine of at least \$1,000 per day, per violation, in accordance with 40 CFR 403.8(f)(1)(vi)A), but no more than \$2,500 per day, per violation for a first violation nor more than \$7,500 per day, per violation for subsequent violations, in accordance with IC 36-1-3-8(a)(10)(B).
- 39.2. The Superintendent may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the City.
- 39.3. In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.
- 39.4. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a user.

This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law.

§ 50.40. Remedies Nonexclusive

The remedies provided for in this ordinance are not exclusive. The Superintendent may take any, all, or any combination of these actions against a noncompliant user.

Wastewater Treatment Charges and Surcharges

§ 50.41. Sewer Charges Based On Water Usage

- 41.1. Water obtained from the municipal water utility The sewer charges made for sewerage service rendered to each lot, parcel of real estate or building having any connection with the city's sewerage system or otherwise discharging sewage into that system, either directly or indirectly, shall be based on the quantity of water presumed to enter the public sewers after being used in or on the property, as the quantity is measured by the water meter or meters therein used by the municipal water utility, except as herein otherwise provided.
- 41.2. Water obtained from other sources Where the property obtains any part or all of the water used from sources other than the municipal water utility, the owner or the tenant may be required by the city to install and maintain at his own expense a meter acceptable to the city for the purpose of measuring the quantity of water obtained from these other sources, or the city may determine the quantity of such water by whatever means and methods it may find practicable.
- 41.3. Exempt water Where a significant portion of the metered water does not and cannot enter the sewerage system, either directly or indirectly, and where the quantity of water entering the premises averages more than 20,000 gallons (2,674 cubic feet) per month, the person having charge of the property may request permission from the City to install at his own expense either an approved meter to determine the quantity of water that cannot enter the sewerage system or an approved sewage-measuring device or devices to determine the volume of sewage that actually enters the sewerage system; when appropriate, the City reserves the right to determine by whatever other means and methods it may find practicable the percentage of the property's metered water that enters the sewerage system. In any case the user charge shall be applied to the quantity of water that can or actually does enter the public sewers.

41.4. Metering of sewage – The City may require a user to install and maintain at his own expense an approved device to measure directly the volumes of wastes discharged to the sewerage system if these volumes cannot otherwise be determined from the metered-water consumption records. Any nonresidential user whose monthly water consumption is 2,000 gallons (267 cubic feet) or more shall install a meter. The City shall inspect and approve such installations and no such service, once installed, shall be removed without the City's approval

§ 50.42. Sewer Charges

42.1. For the use of and service rendered by the sewage works, sewer charges shall be collected from the owners of each and every lot, parcel of real estate or building that is or could be connected to the City's sewerage system or otherwise discharges sanitary sewage, industrial wastes, water or other liquids, either directly or indirectly, into the sewerage system of the City, which sewer charges shall be payable as hereinafter provided and shall be in an amount determinable as follows:

User Charge per 100 Cubic Feet (748 gallons)	Debt Service and Other Charges per 100 Cubic Feet (748 gallons)	Total Monthly Sewer Charge per 100 Cubic Feet (748 gallons)
\$2.35	\$4.17	\$6.52

42.2. The minimum monthly charge for any metered user shall be:

User Charge	Debt Service and Other Charges	Monthly Minimum Sewer
	· .	Charge
\$5.87	\$10.43	\$16.30

The minimum monthly charge shall include use of up to 250 cubic feet of metered water.

42.3. For the use of and services rendered to the K&H Sewer District, the sewer charges shall be in an amount determinable as follows:

	Debt Service and Other Charges	
(748 gallons)	per 100 Cubic Feet (748 gallons)	100 Cubic Feet (748 gallons)
\$1.01	\$0.87	\$1.88

- 42.4. The minimum charge for any service where the user is not a metered water user shall be based on the size of the service connection but no charge shall be less than the minimum monthly or bimonthly charge.
- 42.5. In the event two or more residential lots, parcels of real estate, or buildings discharging sanitary sewage, water or other liquids into the city's sanitary sewerage system, either directly or indirectly, are users of water and the quantity of water is measured by a single water meter, then in each such case, for billing purposes, the quantity of water used shall be averaged for each user and the minimum charge and the sewage rates and charges shall apply to each of the number of residential lots, parcels of real estate, or building served through the single water meter.
- 42.6. In the event two or more dwelling units, such as trailers, apartments, or housekeeping rooms, discharging sanitary sewage, water, or other liquids into the city's sanitary system, either directly or indirectly, are users of water and the quantity of water is measured by single water meter, then in such case billing shall be for a single service in the manner set out elsewhere herein, except that an additional charge shall be added thereto, in the amount of \$1.60 per month for each dwelling unit over one served through the single water meter. In the case of trailer parks, the number of dwelling units shall be interpreted as the maximum capacity for trailers, in the park, plus any other dwelling units served through the meter. A dwelling unit shall be interpreted as a room or other living space or spaces in which cooking facilities are provided.
- 42.7. Where a metered water supply is used for fire protection as well as for other uses, the City may, in its discretion make adjustments in the minimum charge and in the sewer charge as may be equitable.

42.8. For the service rendered to the City, the City shall be subject to the same sewer charges hereinabove provided or to sewer charges established in harmony therewith.

§ 50.43. Strength-of-Waste Surcharge

- 43.1. Liability for surcharge Each industrial or nonindustrial user who discharges wastes into the sewerage system shall be subject to a surcharge, in addition to the regular sewer charges, based on both the biochemical oxygen demand (or on the chemical oxygen demand where B.O.D. cannot be determined) and the suspended solids content of the wastes, if these wastes have a concentration greater than the following:
 - 43.1.1. A biochemical oxygen demand of 250 milligrams per liter; or where B.O.D. cannot be determined, then, in lieu of B.O.D., a chemical oxygen/demand of 400 milligrams per liter.
 - 43.1.2. A suspended solids content of 250 milligrams per liter.
- 43.2. Computation of surcharge The surcharge shall be determined as follows: The excess pounds of B.O.D. (or C.O.D.) and of suspended solids will each be computed by first multiplying the customer's billing sewage volume measured in units of 100 cubic feet for the current billing period by the factor 0.0062321 and then multiplying this product by the difference between the concentrations measured in milligrams per liter of the B.O.D. (or C.O.D.) and of the suspended solids respectively in the customer's sewage and the allowed concentrations set out in § 50.43.1 (Liability for surcharge) above. The surcharge for each constituent will then be determined by multiplying the excess pounds of each constituent by the appropriate rate of surcharge set out in § 50.43.3 (Rates of surcharge) below.
- 43.3. Rates of surcharge The rates of surcharge for each of the aforementioned constituents shall be as follows:

	Constituents	Per Pound
(1)	For Biochemical Oxygen Demand (B.O.D.)	\$0.12
(2)	For Chemical Oxygen Demand (C.O.D) where B.O.D.	\$0.12
	cannot be determined	
(3)	For Suspended Solids	\$0.12

43.4. Revision of rates of surcharge – Prior to May 1 of each year, the Clerk-Treasurer shall submit to the Board of Public Works and Safety a comparison of the calculated unit costs for removing B.O.D. and suspended solids from the wastewater treatment plant influent during the previous calendar year with the unit charges currently in effect in order that the Board may determine whether the current rate of surcharge are adequate or should be changed by the Common Council.

§ 50.44. Billing of Service Charges

- 44.1. Billing Period Sewer charges for sewerage service shall be prepared and billed by the City and shall be due and payable as determined by the Board of Public Works and safety.
- 44.2. Liability for Payment The sewer charges for sewerage service shall be billed to the person being billed for water service unless, by contract with the utility, another person assumes such responsibility. If a tenant is billed, the owner shall in no way be relieved of liability in the event payment is not made by the tenant as herein required. Such owner shall have the right to examine the city's collection records to as certain whether such charges have been paid.

44.3. First Billings – The sewer charges and surcharges fixed in this subchapter shall be extended to and cover any additional premises hereafter served without the need for any hearing or notice. If the first billing to a new customer covers a period other than a full billing period, then the sewer charges for such billing shall be made in keeping with standard practice. Subsequent sewerage service billings shall be for periods coinciding with the billing periods established by the Board of Public Works and Safety. If such sewer charges or surcharges are changed, the first billing after such change may also be for a period other than a full billing period.

§ 50.45. Delinquent Accounts

- 45.1. How Delinquencies Arise Charges for sewerage service levied pursuant to this subchapter shall be due and payable on or before the due dates shown on the bills. Any service charge not paid by the due date approximately 15 days after the bill is rendered) shall be considered delinquent. Such delinquent charge together with any applied penalty shall be collectible as hereinafter set forth.
- 45.2. Collection Through the Tax Duplicate As provided by the state statutes, delinquent sewerage service charges may be made a lien against the property served through certification to the Auditor and to the Recorder of the county. In such case, the delinquent service charges, together with the mandatory penalty of 10%, shall be placed on the tax duplicate and be collected in the same manner as regular taxes and assessments are collected.
- 45.3. Collection Through Court Actions In addition to the foregoing remedies, the City shall have the right, as provided by the state statutes, to foreclose any lien established under the provisions of 45.2 above, with recovery of the charge, a penalty of 10% and a reasonable attorney's fee.

Miscellaneous Provisions

§ 50.46. Pretreatment Charges and Fees

The City may adopt reasonable fees for reimbursement of costs of setting up and operating the City's Pretreatment Program which may include:

- 46.1. Fees for wastewater discharge permit applications including the cost of processing such applications.
- 46.2. Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a user's discharge, and reviewing monitoring reports submitted by users;
- 46.3. Fees for reviewing and responding to accidental discharge procedures and construction
- 46.4. Fees for filing appeals; and
- 46.5. Other fees as the City may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this ordinance and are separate from all other fees, fines, and penalties chargeable by the City.

§ 50.47. Severability

If any provision of this ordinance is invalidated by any court of competent jurisdiction, the remaining provisions shall not be effected and shall continue in full force and effect.

	Brazii – Sewer System
ORDAINED AND ESTABLISHED this	23 day of Juneary , 2007
	Monar
	Thomas Arthur, Mayor of the City of Brazil, Indiana
ATTEST:	The same of the sa
Tracy Webster	
Tracy Webster, Clerk-Treasurer of the City	of Brazil, Indiana
<u>MEMBER</u>	S OF THE COMMON COUNCIL
AYES:	NAYS:
Martin S. Bearly	
Martin Beasley	Martin Beasley
a an Beaddow	
A. Ann Bradshaw	A. Ann Bradshaw
Latinia Hexther	
Patricia Heffner	Patricia Heffner
Welliam Gut	
William Lovett	William Lovett
Homes Shage	I C1
James Sheese	James Sheese
Presented by me to the Mayor of the City o	f Brazil, Indiana for his approval and signature on thisday of
	Joice We hate
•	Tracy Webster, Clerk-Treasurer of the
	City of Brazil
	4 /
APPROVED and signed by me on the	$\frac{7}{2007}$ day of $\frac{1}{2007}$, at the hour of
	(branch C
	Thomas Arthur, Mayor of the City of Brazil, Indiana

This ordinance sponsored by: Brian E. Pohlar, P.E., City Engineer